

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

UNITED STATES OF AMERICA§		2:12-CR-00092-CB-2
	§	
vs.	§	
	§	
MAYANK MISHRA	§	HON. CATHY BISSOON

MOTION TO CONTINUE AND FOR A SEVERANCE

DEFENDANT MAYANK MISHRA, through undersigned Counsel and pursuant to the Fifth and Sixth Amendments, moves the Court to continue the trial of this case from its present setting of December 1, 2015 until a future date. A continuance is necessary for the following reasons:

- (1) Counsel is set for trial in *United States v. Leonard Kibert*, Case Number 4:14cr00204 in the Southern District of Texas, Houston Division before the Honorable Keith Ellison on December 1, 2015. Counsel has been ordered by the Honorable Keith Ellison to move for a continuance of the Mishra trial and a severance of Mishra's case.
- (2) Counsel for Mishra completed trial in *State v. Nieves Perez*, No. 11-03852-CRF 361, a sexual assault trial in the 361st District Court of

Brazos County, in the later afternoon of Friday, November 20, 2015.

That trial had begun Monday, November 16, 2015.

(3) Counsel is preparing his reply to the government's response to his Motion to Parole Rajeshwari Mishra into the United States so that she can provide exculpatory testimony at trial. To the extent that a continuance will facilitate Mishra's ability to procure Rajeshwari's testimony, that provides an independent basis for continuance of this trial. Counsel does not intend, by requesting this continuance, to waive Mishra's right to pursue all lawful remedies to address the deportation of Rajeshwari.

(4) Judge Ellison also ordered that a severance of Mishra from Bush be requested as well. Counsel hereby requests that the Court sever Mishra from Bush, so that Mishra's case can be continued without impact to Bush's right to a speedy trial.

Respectfully Submitted,

/S/ Norman Silverman

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Certificate of Service

On November 23, 2015, this Motion was electronically file via the ECF system. A copy was contemporaneously forwarded to the government via the ECF system.

/S/ Norman Silverman
Norman Silverman
Attorney for Mayank Mishra

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